



STATE OF NEW YORK
OFFICE OF THE ATTORNEY GENERAL

LETITIA JAMES
ATTORNEY GENERAL

EXECUTIVE OFFICE

February 13, 2024

Via ECF

The Honorable Mae A. D'Agostino
United States District Court for the Northern District of New York
James T. Foley United States Courthouse
445 Broadway
Albany, New York 12207

Re: *New York State Rifle & Pistol Association, Inc., et al. v. Chiumento*, No. 22-cv-907

Dear Judge D'Agostino,

This office represents Steven G. James, in his official capacity as Acting Superintendent of the New York State Police. I write to request that Superintendent James be substituted as a defendant for his predecessor, Dominick L. Chiumento, pursuant to Federal Rule of Civil Procedure 25(d).

Superintendent Chiumento, the current defendant in this action, stepped into the role of Acting Superintendent on October 6, 2023. On January 31, 2024, Governor Hochul formally nominated Steven G. James as Superintendent and appointed him to the position on an acting basis while his nomination is pending before the Senate. Because Superintendent Chiumento is sued only in his official capacity, *see Amended Complaint, ECF No. 8 at 1*, the substitution takes place “automatically.” Fed. R. Civ. P. 25(d); *see Williams v. Annucci*, 895 F.3d 180, 187 (2d Cir. 2018). I therefore write to request that the case caption be amended to reflect Superintendent James stepping into the role.

I thank the Court for its time and consideration of this request.

Respectfully submitted,



Molly Thomas-Jensen
Special Counsel
NDNY Bar Roll No. 75119
28 Liberty Street
New York, NY 10005
212-416-8679
Molly.Thomas-Jensen@ag.ny.gov

Cc: All counsel of record (Via ECF)